

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DENISE JONES,)	
)	
Plaintiff,)	
)	
-VS-)	
)	Civil Action No. 05-1138
)	
EAST ALLEGHENY SCHOOL DISTRICT,)	
)	
)	
Defendant.)	

AMBROSE, Chief District Judge.

MEMORANDUM ORDER OF COURT

Original counsel of record for Defendant is Gary Matta. (Docket No. 3). On February 24, 2006, this Court held a case management conference. (Docket No. 7). Although he had not filed a notice of appearance, attorney Daniel Beisler attended the conference on behalf of Defendant. (Docket No. 7). At the conference on February 24, 2006, counsel for Plaintiff and counsel for Defendant agreed to participate in a mediation. *Id.* On February 24, 2006, an Order scheduling a mediation was filed. (Docket No. 6). The mediation was set before Magistrate Judge Lenihan for March 23, 2006. *Id.* Mediation statements were due on March 16, 2006. *Id.*

On March 2, 2006, at 4:45 p.m., attorney Daniel Beisler entered his appearance on behalf of Defendant. (Docket No. 9). At no time did attorney Matta withdraw his appearance. See, Docket Sheet. After his entry of appearance, attorney Beisler apparently failed to review the docket. Nonetheless, counsel of record for Defendant, attorney Matta, received notice of the mediation. (Docket No. 6).

Since Magistrate Judge Lenihan did not receive a mediation statement by March 16, 2006, her deputy clerk contacted attorney Beisler, who indicated that he was prepared to go forward and faxed a mediation statement. (Docket No. 12, ¶5).

On March 23, 2006, counsel for Plaintiff and Plaintiff appeared for the mediation. Attorney Beisler also appeared for the mediation, but informed the Court that his client was not prepared to offer anything to settle the matter. *Id.* Consequently, the mediation was immediately ended.

Plaintiff has filed a Motion for Attorney's Fees seeking fees for the drafting of a mediation statement, preparing for the mediation, and attending the mediation. (Docket No. 10, Exhibit A). The total fees sought are \$1,125.00. *Id.*

The only argument made by attorney Beisler in response to the Motion is that he made "a good faith effort" to comply with the mediation order. (Docket No. 12, ¶6). Based on the conduct outlined above, I disagree. Moreover, I note that nowhere in his response to the Motion for Attorney's Fees does attorney Beisler attack the rate or the hours expended by Plaintiff's counsel. After a review of the record, I find them to be reasonable.

THEREFORE, this 6th day of April, 2006, it is ordered that Plaintiff's Motion for

Attorney's Fees (Docket No. 10) is granted. Counsel for Defendant is ordered to issue a check in the amount of \$1,125.00, made payable to Jeffrey L. Suher, P.C. within ten (10) days of this Order.

BY THE COURT:

A handwritten signature in black ink, reading "Donetta W. Ambrose". The signature is written in a cursive style with a horizontal line underneath the name.

Donetta W. Ambrose,
Chief U. S. District Judge